

Notes from Concept Team Meeting- 2/28/2020, 1:00 pm, Room 105

Members Present: Mary Lane, Tom Devilbiss, Clay Black, Jay Voight, Paige Sunderland, and Hannah Weber.

Others Present: John Breeding, Robert Kerbe, Joe Ingher, Stephanie Williams, Matthew Luzuriaga, David Bowersox, and Clark Shaffer.

The meeting began at 1:00 pm. The first item on the agenda was follow-up from the January 24 meeting, specifically questions and comments regarding the work completed to date. There were questions regarding the changes to the definition of stable to exclude cattle, the allowance of agriculture in all four residential districts, and the regulations for developing homes on agricultural land. It was explained that the residential yield on Ag-zoned property depends on the history of the property and is determined on a case-by-case basis based on the requirements of Chapter 155. There was also a discussion regarding the procedures for rezoning property from the agricultural to residential zoning districts.

The next item on the agenda was the bulk requirements for the various types of senior housing: Nursing Home, Continuing Care Retirement Community, Assisted Living Facility and Retirement Home/Age Restricted Housing. The current definitions for each of the uses was discussed, and it was agreed that the definition of Retirement Home should be changed to be consistent with Continuing Care Retirement Community, which specifies that the restriction to persons 55 years of age or older should include “or couples where either occupant is 55 years of age or older”. This change will be made throughout the Code where appropriate. All four uses are currently conditional in all four residential districts, but it was previously agreed by the team members that Retirement Home/Age Restricted Housing should be prohibited in the R-40,000 District, since the County Master Plan and Freedom Plan recommend density of one dwelling/ acre, with single family detached dwellings being the predominant use, and with public water and sewer service generally not planned to these areas.

The current density requirements for these uses were discussed, specifically the difference between Nursing Homes and Assisted Living Facilities, which are based on the number of beds, and Retirement Home/Age-Restricted Housing, which is based on the number of dwelling units. Dwelling units are defined in the County Code as “a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking, eating, and sanitation.” It was agreed that there should be no change to the limit of 1 bed/3,000 square feet (approximately 14.5 beds/acre) for nursing homes and assisted living facilities. Regarding retirement homes/age-restricted housing, the County land use plans’ definition for Residential Medium Density (which equates to the R-20,000 District), specifically limits this use to a total density of 3.5 dwelling units per acre. The question arose regarding whether this should be interpreted to include conditional uses as well, and the staff believes that this was the intent. It was agreed that the recommendation made by the team must be consistent with recently adopted plans, and therefore density in the R-20,000 District may not

exceed 3.5 DUs/acre. The recommendation to the Planning Commission and BCC will be accompanied by an explanation of the rationale for this recommendation. There will also have to be consideration given to the creation of nonconforming uses for existing retirement homes in the R-20,000 District with this new restriction, specifically if uses of this type should be grandfathered in order not to become nonconforming.

There was discussion regarding the legality of limiting the variety of housing types to exclude multifamily throughout the jurisdiction. It was noted that the municipalities' codes provide for this type of housing, and the infrastructure constraints throughout most of the remainder of the County are another practical limitation. This issue will be discussed with County Attorney.

The minimum lot area and lot width requirements were discussed next. Currently the minimum lot area requirement for these uses is 45,000 square feet and lot width is 150 feet in all four districts. It was agreed that the minimum lot area and lot width for these uses should not be greater than for other permitted residential uses in each specific district.

The maximum height requirements were the next subject of discussion. It was agreed that as in the commercial and industrial districts, the reference to number of stories should be eliminated, and height should be regulated only by the number of feet. The maximum height regulations should remain the same (35 feet in the R-40,000, R-20,000 and R-10,000 Districts, and 40 feet in the R-7,500 District), since this is consistent for all uses in the districts and will ensure compatibility with other allowed uses. There was also discussion regarding the allowance of variances to the height requirements, and whether Section 158.130 (E) (2) limits the requested variance to 40 feet. Staff will get clarification on this issue.

The current yard requirements for these uses were discussed. While rear yard requirements are generally consistent with other types of dwellings, front yard requirements are greater, and side yard requirements are considerably greater. It was agreed that the side yard requirements should be greater than for single-family dwellings to ensure compatibility with surrounding residential uses, but front yard requirements do not need to be as strict. Furthermore, all uses are subject to conditional use approval, at which time the impact on neighbors could be assessed further. It was agreed that all yard requirements for these uses (front, side and rear) should be a minimum of 40 feet.

The last issue for discussion was the current requirement in Chapter 158 that these uses may be authorized conditional uses, "subject to prior concept development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission". This requirement does not apply to other conditional uses. It was agreed that this requirement for pre-conditional use approval should be eliminated, but the option should remain for applicants to present their proposals to the Planning Commission for comment prior to applying for conditional use approval. This would be procedural and should not be codified.

The meeting adjourned at 2:30 pm. The next meeting will be held on March 27, 2020 at 1:00 pm in Room 003.